

AMENDMENT UNDER 37 C.F.R. § 1.116
Application Serial No. 10/690,569
Attorney Docket No. Q72585

AMENDMENTS TO THE DRAWINGS

Please remove Figures 1-24 and replace with Replacement Figures 1-24.

Attachment: Replacement Sheets

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REMARKS

Upon entry of this Amendment, claims 1-14, 17-25, 27, 31, 34 and 36 are all the claims pending in the application. Claim 1 is amended to incorporate the subject matter of claims 15 and 16. Claims 15-16, 26, 28-30, 32-33, 35, 37, 42-43 and 50-52 are cancelled without prejudice or disclaimer.

Additionally, claims 38-41, 44-49, 53 and 54 were withdrawn from further consideration pursuant to the Requirement for Election dated February 7, 2005. These withdrawn claims are presently cancelled without prejudice or disclaimer.

To summarize the Office Action, the Examiner has objected to the drawings and the claims for informalities. Further, claims 1-3, 6, 7, 12, 14, 18, 21, 25, 52 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Parks et al. (U.S. Patent No. 5,739,975, hereinafter “Parks”), claims 50-51 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Dunfield et al. (U.S. Patent No. 6,335,850, hereinafter “Dunfield”), claims 4-5 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks in view of Wang et al. (U.S. Patent Publication No. 2001/0055702, hereinafter “Wang”), claims 10-11 and 36 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks in view of Nozieres et al (EP 1,131,031, hereinafter “Nozieres”), claim 20 has been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks in view of Nozieres, further in view of “Glass Substrate for Magnetic in HDD”, Information Sheet,

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<http://www7.big.or.jp/~cgi19786/ngf/nglass/ngoe06e.html> (hereinafter “Information Sheet”)¹, claim 15 has been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks in view of alleged admitted prior art, claims 22-24, 27 and 34 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks in view of Dunfield, and claim 31 has been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks in view of Germuska (GB 2178569). The Examiner also apparently rejects claims 26, 28-30, 32, 35, 37 and 42-43 on similar grounds as in the above rejections.

Further, claims 8-9 and 16-17 have been objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. The outstanding objections and rejections are addressed below.

Objection to the Drawings

The Examiner has objected to the informal nature of the drawings. By the present Amendment, Replacement Figures 1-24 are submitted, which are believed to overcome the objection. Therefore, reconsideration and withdrawal of the objection to the drawings is requested.

¹ The Information Disclosure Statement of May 20, 2004 stated that the submission of the references cited therein was not intended as an admission that any such document constitutes prior art. Applicant therefore disagrees with the Examiner’s characterization of this reference as admitted prior art and does not waive any right to take any action that would be appropriate to antedate or otherwise remove this reference in this application or any application continuing therefrom.

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Claim Objections

The Examiner has apparently objected to the numbering of dependent claims 25, 27 and 31. In view of the cancellation of independent claim 26 and dependent claims 28-30 without prejudice or disclaimer, Applicant submits that this objection is moot and withdrawal of the objection to the claims is requested.

Claim Rejections

As noted above, claims 1-3, 6, 7, 12, 14, 18, 21, 25, 52 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Parks. Applicant notes that claim 1 is presently amended to incorporate the subject matter of dependent claim 16, which the Examiner indicated as containing allowable subject matter, together with the subject matter of intervening claim 15. Therefore, claim 1 is believed to be allowable.

Further, Applicant submits the dependent claims 2-14, 17-25, 27, 31, 34 and 36 are allowable at least by virtue of depending from claim 1. Accordingly, allowance of claims 1-14, 17-25, 27, 31, 34 and 36 is requested.

With respect to the rejection of claims 50-51 under 35 U.S.C. § 102(b) as being allegedly anticipated by Dunfield, Applicant submits that this ground of rejection is moot in view of the cancellation of claims 50-51 without prejudice or disclaimer.

With respect to the rejection of claims 4-5 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks in view of Wang, Applicant submits that these claims are allowable at least by virtue of depending from claim 1.

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With respect to the rejection of claims 10-11 and 36 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks in view of Nozieres, Applicant submits that these claims are allowable at least by virtue of depending from claim 1.

With respect to the rejection of claim 20 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks in view of Nozieres, further in view of Information Sheet, Applicant submits that claim 20 is allowable at least by virtue of depending from claim 1.

With respect to the rejection of claim 15 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks in view of admitted prior art, Applicant submits that claim 15 is allowable at least by virtue of depending from claim 1.

With respect to the rejection of claims 22-24, 27 and 34 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks in view of Dunfield, Applicant submits that these claims are allowable at least by virtue of depending from claim 1.

With respect to the rejection of claim 31 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks in view of Germuska, Applicant submits that claim 31 is allowable at least by virtue of depending from claim 1.

Finally, with respect to the rejection of claims 26, 28-30, 32, 35, 37 and 42-43, in which the Examiner alleges that the limitations are “met by the references cited above”, Applicant submits that the rejection of these claims is moot in view of their cancellation without prejudice or disclaimer.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE
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